

House Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 79

# HOUSE BILL 2128

AN ACT

AMENDING TITLE 3, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5;  
RELATING TO HISTORIC AGRICULTURAL PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 3, chapter 1, Arizona Revised Statutes, is amended  
3 by adding article 5, to read:

4 ARTICLE 5. HISTORIC AGRICULTURE RECOGNITION

5 3-161. Definition of commission

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "COMMISSION" MEANS THE HISTORICAL ADVISORY COMMISSION ESTABLISHED  
8 BY SECTION 41-1352.

9 2. "REGISTER" MEANS THE ARIZONA REGISTER OF HERITAGE AGRICULTURE.

10 3-162. Arizona register of heritage agriculture; qualifying  
11 criteria; definition

12 A. THE ARIZONA REGISTER OF HERITAGE AGRICULTURE IS ESTABLISHED.

13 B. ANY PERSON MAY APPLY IN WRITING TO THE HISTORICAL ADVISORY  
14 COMMISSION TO NOMINATE AGRICULTURAL PROPERTY IN THIS STATE FOR LISTING ON THE  
15 REGISTER. IF THE PERSON NOMINATING THE PROPERTY IS NOT THE CURRENT OWNER OF  
16 THE PROPERTY, THE NOMINATION MUST INCLUDE THE CURRENT OWNER'S WRITTEN ASSENT  
17 TO THE NOMINATION.

18 C. TO QUALIFY FOR LISTING ON THE REGISTER, THE AGRICULTURAL PROPERTY  
19 MUST MEET BOTH OF THE FOLLOWING REQUIREMENTS:

20 1. THE PROPERTY MUST COMPRISE AT LEAST TEN ACRES OF REAL PROPERTY THAT  
21 HAS BEEN OWNED BY THE SAME FAMILY AND IN CONTINUOUS COMMERCIAL AGRICULTURAL  
22 PRODUCTION FOR AT LEAST FIFTY YEARS. PROPERTY THAT HAS BEEN IN ACTIVE  
23 PRODUCTION MAY QUALIFY REGARDLESS OF OCCASIONAL PERIODS OF INACTIVITY DUE TO:

24 (a) ACTS OF GOD.

25 (b) FEDERAL FARM CONSERVATION PROGRAMS.

26 (c) CROP ROTATION PRACTICES.

27 (d) GENERALLY ACCEPTED RANGE MANAGEMENT AND PASTURE ROTATION  
28 PRACTICES.

29 (e) TEMPORARILY INADEQUATE WATER SUPPLIES.

30 2. THE PROPERTY MUST INCLUDE AT LEAST ONE HOUSE, BARN, SHED, CRIB,  
31 GRANARY, SILO, WINDMILL OR FENCE THAT IS AT LEAST TWENTY-FIVE YEARS OLD.

32 D. FOR PURPOSES OF THIS SECTION, "FAMILY" INCLUDES INDIVIDUALS OR A  
33 TRUST, ESTATE, CORPORATION, PARTNERSHIP, JOINT VENTURE OR SIMILAR ENTITY OR  
34 COMBINATION OF ENTITIES, IF THE INDIVIDUALS OR AT LEAST EIGHTY PER CENT OF  
35 THE BENEFICIARIES, SHAREHOLDERS, PARTNERS OR JOINT VENTURERS SHARE A FAMILY  
36 RELATIONSHIP AS PARENTS OR ANCESTORS OF PARENTS, CHILDREN OR DESCENDANTS OF  
37 CHILDREN, SIBLINGS, COUSINS OF THE FIRST DEGREE, AUNTS, UNCLES, NIECES OR  
38 NEPHEWS OF THE FIRST DEGREE, SPOUSES OF ANY OF THE LISTED RELATIVES AND  
39 LISTED RELATIVES BY THE HALF-BLOOD OR BY ADOPTION.

40 3-163. Application

41 A. AN APPLICANT MUST PROVIDE DOCUMENTARY EVIDENCE THAT PROPERTY MEETS  
42 THE QUALIFICATIONS PRESCRIBED BY THIS ARTICLE FOR LISTING ON THE REGISTER OF  
43 HERITAGE AGRICULTURE. THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION AS  
44 NECESSARY TO SUPPORT THE APPLICATION.

1 B. THE COMMISSION SHALL:

2 1. ESTABLISH AN ADVISORY GROUP OF PERSONS WITH EXPERIENCE IN  
3 AGRICULTURE TO ASSIST THE COMMISSION IN EVALUATING APPLICATIONS UNDER THIS  
4 SECTION.

5 2. PRESCRIBE THE PROCEDURE FOR FILING AND EVALUATING THE APPLICATIONS.

6 3. SET A NONREFUNDABLE APPLICATION FEE WHICH MUST BE PAID IN FULL WHEN  
7 THE APPLICATION IS SUBMITTED.

8 C. THE COMMISSION MAY ESTABLISH CATEGORIES OF RECOGNITION BASED ON THE  
9 AGE OF THE AGRICULTURAL OPERATION.

10 3-164. Listing property on register

11 A. THE COMMISSION SHALL PROVIDE WRITTEN NOTIFICATION TO THE OWNER, AND  
12 APPLICANT IF DIFFERENT FROM THE OWNER, OF ITS DECISION ON LISTING THE  
13 PROPERTY ON THE REGISTER.

14 B. IF THE COMMISSION LISTS THE PROPERTY ON THE REGISTER:

15 1. THE COMMISSION SHALL INCLUDE, WITH THE NOTICE UNDER SUBSECTION A  
16 OF THIS SECTION, A CERTIFICATE SIGNED BY THE SECRETARY OF STATE, THE  
17 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
18 CHAIRPERSON OF THE COMMISSION DESCRIBING THE PROPERTY AND DESIGNATING IT AS  
19 ARIZONA HERITAGE AGRICULTURE PROPERTY.

20 2. THE OWNER OF THE PROPERTY MAY IDENTIFY THE PROPERTY AS ARIZONA  
21 HERITAGE AGRICULTURE PROPERTY USING SIGNS, MONUMENTS, PLAQUES, LETTERHEADS  
22 AND OTHER IDENTIFIERS.

23 C. THE DESIGNATION OF PROPERTY AS ARIZONA HERITAGE AGRICULTURE  
24 PROPERTY:

25 1. IS AN HONORIFIC RECOGNITION ONLY, AND DOES NOT CONFER ANY OTHER  
26 RIGHT OR PRIVILEGE EXCEPT AS PROVIDED BY THIS ARTICLE.

27 2. DOES NOT AFFECT THE RIGHT TO USE, CONVEY, ENCUMBER, ALTER OR  
28 EXERCISE ANY OTHER RIGHT OF OWNERSHIP AT THE OWNER'S DISCRETION, AND NO  
29 PERSON MAY IMPAIR OR AFFECT THE OWNER'S PROPERTY RIGHTS BASED ON THE  
30 DESIGNATION OF THE PROPERTY AS ARIZONA HERITAGE AGRICULTURE PROPERTY.

31 3. TERMINATES IF THE PROPERTY NO LONGER MEETS THE REQUIREMENTS OF  
32 SECTION 3-162, SUBSECTION C. THE COMMISSION MAY REQUIRE THE OWNER TO FILE  
33 AN ANNUAL AFFIDAVIT THAT THE PROPERTY CONTINUES TO QUALIFY UNDER THIS  
34 ARTICLE.

35 3-165. Restricted use of designation; violation; classification

36 A. A PERSON MAY USE THE DESIGNATION "ARIZONA HERITAGE AGRICULTURE  
37 PROPERTY" OR "HERITAGE AGRICULTURE" ONLY WITH THE APPROVAL OF THE COMMISSION  
38 AS PROVIDED BY THIS ARTICLE. A PERSON MAY NOT USE THE DESIGNATION "ARIZONA  
39 HERITAGE AGRICULTURE PROPERTY" OR "HERITAGE AGRICULTURE" FOR ANY COMMERCIAL  
40 PURPOSE EXCEPT AS PROVIDED BY THIS ARTICLE.

41 B. A PERSON WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A CLASS  
42 3 MISDEMEANOR.

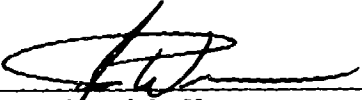
APPROVED BY THE GOVERNOR APRIL 29, 2002.


FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2002.

Passed the House March 26, 2002,

by the following vote: 47 Ayes,

11 Nays, 2 Not Voting

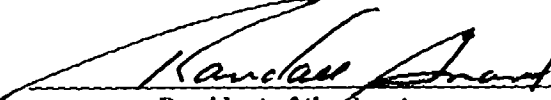
  
Speaker of the House

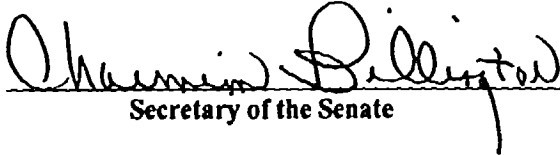
  
Chief Clerk of the House

Passed the Senate April 23, 2002

by the following vote: 24 Ayes,

4 Nays, 2 Not Voting

  
President of the Senate

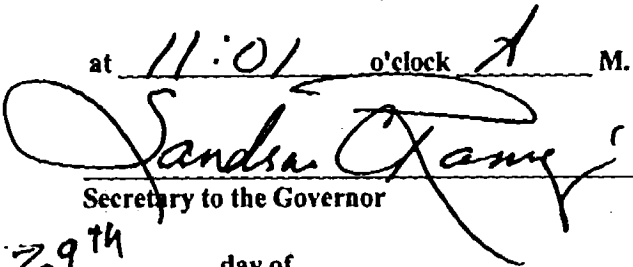
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 2002,


at 11:01 o'clock A M.

  
Secretary to the Governor

Approved this 29<sup>th</sup> day of

April, 2002,

at 1:06 o'clock P M.

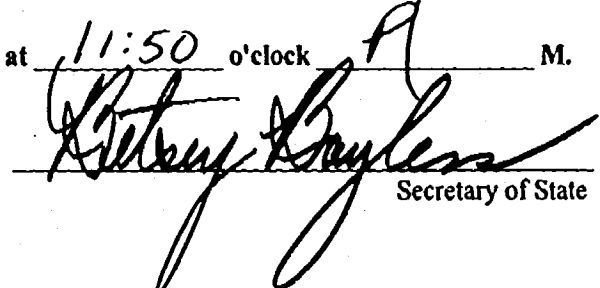
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of April, 2002

at 11:50 o'clock A M.

  
Secretary of State

H.B. 2128